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8 Attorney for Plaintiffs

9  
10 UNITED STATES DISTRICT COURT  
11  
12 FOR THE DISTRICT OF ALASKA

13 Diane L. Long and Balingo Lake )  
14 Individually, and as Parents of )  
15 their minor child, J.L., )  
16 Plaintiffs, )  
17 vs. ) Case no. \_\_\_\_\_  
18 United States of America and )  
19 LifeMed Alaska, LLC, )  
20 Defendants. )

21 Complaint

22 COME NOW plaintiffs and allege as follows:

23 Jurisdiction

24 1. Plaintiffs are Alaskan Natives and residents of  
25 Anchorage, Alaska, in the District of Alaska.

26 2. Plaintiffs Diana Long [hereinafter "Long"] and Balingo  
27 Lake [hereinafter "Lake"] are adults and the natural parents of  
28 plaintiff J.L., a minor child.

29 Complaint

30 Long et. al. vs. USA and LifeMed Alaska, LLC

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1           3. The Hooper Bay Subregional Clinic [hereinafter "the  
2           Clinic"] is a health-care facility owned and operated by the  
3           Yukon-Kuskokwim Health Corporation ["YKHC"], a tribal  
4           organization whose medical malpractice is covered by the *Federal*  
5           *Tort Claims Act*, 28 USC §1346, 2401, and 2671 *et seq.*

6           4. Steven Bertrand was at all times pertinent a  
7           physician's assistant acting within the scope of his employment  
8           at the Clinic.

9           5. More than six months ago, the claim giving rise to  
10           this suit was presented to the appropriate federal agency within  
11           the meaning of 28 USC § 2675(a).

12           6. Said agency has denied the claim, either by expressly  
13           rejecting it outright, or by failing to make a final disposition  
14           of it within six months, as contemplated by 28 USC § 2675(a).

15           7. Defendant LifeMed Alaska LLC [hereinafter "LifeMed"]  
16           is a limited liability company organized and existing under the  
17           laws of the State of Alaska, and at least 50% owned by YKHC.

18           8. LifeMed owns and operates an air- and ground-ambulance  
19           service that transports patients throughout Alaska.

20           9. At all times relevant hereto, Brian Anderson, RN, and  
21           Steven Heyano, MICP EMT-P, and other employees, were either  
22           employed by LifeMed, and acting within the scope of that

1 employment, or were agents of LifeMed, and acting within the  
2 scope of that agency.

3 10. This court has jurisdiction over the claims asserted  
4 herein.  
5

6 **General Allegations**

7 11. On at least three occasions in March and April of  
8 2015, Long presented her four-month old infant daughter, J.L.,  
9 to the Clinic in Hooper Bay for medical care and treatment of  
10 what appeared to be a respiratory viral condition.

11 12. During these visits, J.L. was placed under the care  
12 and treatment of Steven Bertrand, a physician's assistant.

13 14. By the time of her visit on April 29, 2016, J.L.'s  
15 signs and symptoms had worsened and intensified: her heart rate  
16 was 180; respiratory rate was 52; her oxygen saturation was 99%;  
17 she had audible wheezing; a fever of 100.5; her appetite and  
18 fluid-intake had decreased, and; she had retractions in the  
19 upper-abdomen/stomach region while breathing.

20 14. Despite J.L.'s worsening signs and symptoms, Bertrand  
21 failed to properly and adequately diagnose, treat, and deal with  
22 J.L.'s worsening status.

23 15. For example, he did not administer simple tests for  
24 influenza or respiratory syncytial virus ["RSV"], a respiratory-

1 tract infection that can be fatal in infants if not properly  
2 treated, or send her into the hospital for aggressive treatment.

3 16. On May 3, 2015, Long again presented J.L. to the  
4 clinic -- this time after hours, and in critical condition.

5 17. At that point, J.L. was septic, profoundly dehydrated;  
6 febrile; had a very elevated pulse; an elevated respiratory  
7 rate; audible wheezing; low oxygen saturation; intercostal  
8 retractions; nasal flaring, and general nonresponsiveness.

9 18. In light of the gravity of J.L.'s condition, LifeMed  
10 was summoned to evacuate her by air to a more complete health-  
11 care facility, first in Bethel, and ultimately to the Alaska  
12 Native Medical Center ["ANMC"] in Anchorage.

13 19. Prior to the flight, Bertrand improperly placed an  
14 intraosseous line in J.L.'s left tibia.

15 20. He then failed to detect and ensure its improper  
16 placement.

17 21. Registered nurse Brian Anderson, together with Steven  
18 Heyano, MICP EMT-P, and others responded on LifeMed's behalf to  
19 provide medical care for J.L. while en route to Anchorage.

20 22. During the flight, Anderson and Heyano both visualized  
21 and noted clear signs of extravasation, such as intensifying and  
22 deepening redness in the left leg.

23  
24  
25

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1       23. Nevertheless, they still administered powerful  
2 medicinal agents through the improperly placed needle and line,  
3 resulting in extravasation -- a maloccurrence whereby fluids are  
4 injected into surrounding tissues, rather than into the target  
5 blood vessel itself.

6       24. Neither practitioner took reasonable and sufficient  
7 precautions to ensure the line's proper placement and patency.

8       25. Nor did they inform ANMC receiving personnel in  
9 Anchorage about their in-flight observations of redness and  
10 concerns about extravasation.

11       26. The resulting extravasation caused swelling and  
12 ischemia [obstructed blood-flow], which in turn killed the  
13 tissues [necrosis] in J.L.'s left lower extremity. Although  
14 ANMC's doctors attempted to treat J.L.'s ischemic and necrotic  
15 lower left leg, their efforts failed; ultimately, the leg was  
16 amputated. Respiratory cultures taken at ANMC revealed that  
17 J.L. did have RSV and influenza, which had progressed to the  
18 point of causing respiratory failure, sepsis [blood-poisoning],  
19 and septic shock [sepsis accompanied by low blood-pressure].

20       27. ANMC practitioners also determined that J.L. had a  
21 left pneumothorax [collapsed lung], which they treated.

22       28. The above-described sepsis, as well as other  
23 physiological responses to J.L.'s viral infection(s), damaged

1 J.L.'s heart, likely necessitating ongoing treatments throughout  
2 her lifetime, including ultimately a heart transplant.

3       29. The acts, errors, and omissions alleged herein have  
4 proximately caused injury and damage to J.L., including, but not  
5 necessarily limited to:

6           a. Physical pain and suffering, past and future;

7           b. Severe and permanent physical impairment and  
8 disfigurement;

9           c. Emotional distress and psychological injury, past and  
10 future;

11           d. Inconvenience and loss of enjoyment of life, past and  
12 future;

13           e. Medical- and treatment-related expenses, including  
14 life-care expenses, past and future;

15           f. Other pecuniary losses, past and future, including,  
16 but not necessarily limited to, lost wages and earnings, lost  
17 earning capacity, lost subsistence capability and earnings, and;  
18 loss of career and business opportunities.

19       30. As a proximate result of the acts, errors, and  
20 omissions alleged herein, Long and Lake have also suffered  
21 injuries and damages, including, but not limited to:

22           a. Past medical- and treatment-related expenses;

23  
24  
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- b. Emotional distress and psychological injury, past and future;
- d. Inconvenience and loss of enjoyment of life, past and future;
- d. Loss of domestic and household services, and
- e. Loss of child consortium.

**Cause of Action - Negligence/Recklessness**

[On each plaintiffs' behalf  
against each defendant]

31. Plaintiffs incorporate each of the allegations heretofore alleged.

32. Medical care providers at the Clinic and LifeMed failed to exercise that degree of skill, care, and knowledge ordinarily exercised and possessed under the circumstances by health care providers in their fields and specialties.

33. Said lapses and breaches of skill, care, and competence proximately caused the injuries and damages alleged herein.

34. Said lapses and breaches constitute recklessness within the contemplation of AS 09.55.549(f).

35. Defendants are liable to each of the plaintiffs for negligence, in an amount to be proved at trial.

25 WHEREFORE, plaintiffs pray for relief as follows:

1. For a judgment against defendants, and in plaintiffs' favor, compensating them for their injuries and damages, as alleged;
2. For an award of compensable costs, compensable attorney's fees, and any applicable interest.
3. For any other relief the court may deem just and proper.

DATED this 25th day of April, 2016, at Anchorage, Alaska.

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